

from his office, or to in any manner interfere with him in his constitutional rights and powers; providing that if any part of this Act is held unconstitutional, the valid portion of the same is intended to be enacted; and providing for an emergency."

S. B. No. 43, A bill to be entitled "An Act to amend Section 1, Chapter 88, Acts 1929, Forty-first Legislature, Second Called Session, as amended by Section 1, Chapter 23, Acts 1929, Forty-first Legislature, Fifth Called Session, defining 'Commercial Motor Vehicle'; Section 6, Chapter 88, Acts 1929, Forty-first Legislature, Second Called Session, prescribing license fees for the registration of commercial motor vehicles; Section 7, Chapter 88, Acts 1929, Forty-first Legislature, Second Called Session, prescribing license fees for the registration of road tractors; Section 8, Chapter 88, Acts 1929, Forty-first Legislature, Second Called Session, prescribing license fees for the registration of trailers or semi-trailers; Section 8A, Chapter 88, Acts 1929, Forty-first Legislature, Second Called Session, prescribing license fees for the registration of motor busses; Section 8B, Chapter 88, Acts 1929, Forty-first Legislature, Second Called Session, prohibiting registration of commercial motor vehicles size of which are illegal with certain exceptions; repealing all laws in conflict herewith; and declaring an emergency."

As amended.

Respectfully submitted,  
E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### Motion to Take up House Bill 800

The Senate resumed consideration of the pending motion by Senator Smith to suspend the regular order of business, to take up H. B. No. 800 on its second reading and passage to third reading.

Question—Shall the motion to suspend the regular order of business prevail?

#### Adjournment

Senator Cotten moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 1:10 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

#### FORTY-SIXTH DAY

(Thursday, April 3, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Reports of Standing Committees

Senator Aikin submitted the following report:

Austin, Texas,  
April 2, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 345, A bill to be entitled "An Act making an emergency appropriation for the remaining portion of the fiscal year ending August 31, 1941, to assist in the maintenance of a newly established quarantine patrol station necessary to the enforcement of the provisions of Act, 1929, Forty-First Legislature, Second Called Session, page 21, Chapter 15, H. B. No. 140, and to pay salaries of quarantine inspectors for the operation of this station and of agents of the Department of Agriculture, etc. and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recom-

mendation that it do pass and be printed.

AIKIN, Chairman.

Senator Brownlee submitted the following reports:

Committee Room,  
Austin, Texas.  
April 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 244, A bill to be entitled "An Act amending Article 6675a, Section 5 of the Revised Civil Statutes of 1925, relating to the registration of motorcycles and passenger cars; and declaring an emergency."

Have had the same under consideration and beg leave to report it back to the Senate with the recommendation that it do pass and be printed.

BROWNLEE, Chairman.

Committee Room,  
Austin, Texas,  
April 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 408, A bill to be entitled "An Act creating a special road law for DeWitt County, Texas; providing that said county may fund or refund into coupon bonds the scrip and time warrants outstanding against its road and bridge fund as of the 31st day of March, 1941; setting forth the method of said funding or refunding; validating all acts of the commissioners' court in issuing said scrip and time warrants; validating said scrip and time warrants; providing the General Laws of the State of Texas shall be applicable to DeWitt County when not in conflict herewith; providing this Act shall be cumulative of all general and special laws not in conflict herewith; providing a saving clause; and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

Committee Room,  
Austin, Texas,  
April 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 296, A bill to be entitled "An Act creating a special road law for Briscoe County, Texas; authorizing the commissioners' court to issue funding bonds or warrants in lieu of certain scrip warrants and time warrants, and validating such scrip and time warrants; providing the method of issuing the same; making it the duty of the commissioners' court to levy a tax sufficient to pay principal and interest as they mature and accrue; making the general laws pertaining to roads and bridges applicable to Briscoe County, Texas, and providing that the provisions of this Act shall be effective in case of conflict with any general or special law; providing that if any portion of this Act shall be held invalid, such holding shall not affect the other portions thereof; enacting other provisions relating to the subject; and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

Senator Sulak submitted the following report:

Austin, Texas,  
April 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 44, A bill to be entitled "An Act providing for the protection of the public health; defining certain terms used in the Act; authorizing the State Health Office to define and fix the specifications and standards for certain meat and meat food products as defined in the Act; etc."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that the original bill do not pass, but that committee substitute attached hereto do pass and be printed.

SULAK, Chairman.

Senator Ramsey submitted the following reports:

Austin, Texas,  
April 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on County and County Boundaries, to whom was referred

S. B. No. 346, A bill to be entitled "An Act authorizing commissioners' courts in counties of Texas, having a population of not less than three hundred twenty-five thousand (325,000) inhabitants and not more than three hundred fifty thousand (350,000) inhabitants, as shown by the Federal Census, to levy a direct tax of not more than twenty-five (25c) cents on the valuation of One Hundred (\$100.00) Dollars on all property in said counties, for the purpose of erecting buildings and other improvements, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Austin, Texas,  
April 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on County and County Boundaries, to whom was referred

S. B. No. 345, A bill to be entitled "An Act to provide for fees for constables whose precincts lie in counties having a population of more than three hundred twenty-five thousand (325,000) and less than three hundred ninety thousand (390,000) by the last preceding Federal Census, and whose precincts lie in whole or in part in an incorporated city or town containing territorial limits of twenty-five (25) square miles or more; etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Austin, Texas,  
April 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on County and County Boundaries, to whom was referred

S. B. No. 288, A bill to be entitled "An Act providing that the commissioners' courts in counties of more than three hundred twenty-five thousand (325,000) and less than three hundred seventy-five thousand (375,000) inhabitants, according to the last preceding Federal Census, shall have the authority to direct, control, employ and discharge all building superintendents, telephone operators, elevator operators, janitors and all other employees necessary to the upkeep, maintenance and operation of the court houses in their counties, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

#### Senate Bill 414 on First Reading

Senator Vick moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

The following bill then was introduced, read first time and referred to the Committee on Criminal Jurisprudence:

By Senators Vick, Mauritz, Chadick, Hill, Moore, Hazlewood, Formby,

Smith, Lovelady, Van Zandt and Graves:

S. B. No. 414, A bill to be entitled "An Act amending Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by H. B. No. 8, Acts of the Third Called Session of the Forty-fourth Legislature, and by H. B. No. 5, Acts of the Regular Session of the Forty-fifth Legislature, and by S. B. No. 20, Acts of the First Called Session of the Forty-fifth Legislature, by adding a new Section to be known as Section 24-A, Article II of the Liquor Control Act, regulating the advertising of beer through the medium of outdoor signs."

#### Conference Committee on Senate Bill 43

Senator Metcalfe called S. B. No. 43 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate.

Senator Metcalfe moved that the Senate do not concur in the House amendments and that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Metcalfe, Kelley, Mauritz, Shivers and Isbell.

#### Message from the House

The Assistant Reading Clerk of the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
April 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. C. R. No. 36, Inviting Honorable Lyndon B. Johnson to address a joint session of the Senate and House of Representatives on April 21, 1941.

S. B. No. 67, A bill to be entitled "An Act permitting the State Board of Education to purchase and provide free text books for the teach-

ing of the Spanish language in certain elementary grades in certain schools in certain school districts in the State of Texas; providing the manner of selecting, purchasing and distributing such books; and declaring an emergency."

S. B. No. 142, A bill to be entitled "An Act amending Chapter 8, Article 149, of the Revised Civil Statutes, of the State of Texas, by adding a new Section to be numbered 149H, authorizing and empowering the Board of Directors of the Agricultural and Mechanical College of Texas to establish and maintain an agricultural experiment station for the purpose of making scientific investigations and experiments in the study of poultry problems with particular emphasis on the study of problems relating to the scientific production of broilers and fryers in the South-Central Texas region, said station to be located in Gonzales County, authorizing said board of directors to secure a suitable site for the location of said experiment station, authorizing said board of directors to accept donations of land, money, or anything of value for the establishment and maintenance of said station, authorizing the use of any donation or appropriations placing the supervision of said station under the direction of the Board of Directors of the Agricultural and Mechanical College of Texas, providing the manner in which said experimental station shall be operated and conducted; and declaring an emergency."

S. B. No. 150, A bill to be entitled "An Act to create a policemen, firemen, and fire alarm operators pension system for all cities in the State of Texas having a population in excess of two hundred thousand (200,000) inhabitants, and less than two hundred and ninety three thousand (293,000) inhabitants, according to the last preceding Federal Census, and providing for the control and administration thereof; and declaring an emergency."

With Amendments.

S. B. No. 405, A bill to be entitled "An Act fixing the term of office of school trustees of independent school districts, whether created under general law or by special act of the Legislature, having as many as six hundred and two (602) and not more than six hundred and seven (607) scholastics according to the 1940 official scholastic census and wherein

there may be situated a city having a population of as many as seventeen hundred twenty-five (1725) and not more than seventeen hundred thirty (1730) according to the last preceding Federal Census, and having a board of seven trustees; providing that in all such school districts trustees shall be voted upon and elected separately for positions on said board of trustees and prescribing a method whereby trustees in any such school district within ten days from the effective date of this Act shall draw for positions on any such board of trustees in any such school district; providing the manner and method of electing trustees thereafter in any such district and for an official ballot for use in such trustee elections and the time within which and the manner in which a person desiring to become a candidate for election shall give notice or his or her candidacy as the case may be; further providing that in any such election no candidate shall be eligible to have his or her name placed on the official ballot for more than one position to be filled at any such election; further providing that at any such election each voter shall vote for only one candidate for each such position and that the candidate receiving the highest number of votes for each respective position voted upon at any such election shall be entitled to serve as trustee on said board, holding the position thereon to which he or she as the case may be shall have been so elected; providing for the manner and method of giving notice of elections for trustees in all independent school districts included within the terms of this Act; further providing that all laws and parts of laws, both general and special insofar only as they may be in conflict herewith are repealed; and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

#### Committee Substitute Senate Bill 44

On motion of Senator Sulak, C. S. S. B. No. 44 was ordered mimeographed.

#### Message from the Governor

The President laid before the Senate, and had read, the following message from the Governor:

Austin, Texas,  
April 3, 1941.

To the Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointment:

To be State Highway Commissioner for a six year term beginning February 15, 1941, and expiring February 14, 1947:

Reuben Williams of Fort Worth, Tarrant County.

Respectfully submitted,

W. LEE O'DANIEL,  
Governor of Texas.

#### Concurrence in House Amendments to Senate Bill 150

Senator Spears called S. B. No. 150 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

Senator Spears moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—31

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

#### House Bills and Joint Resolutions on First Reading

The following House bills and joint resolutions, previously received from the House, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 738, to Committee on Criminal Jurisprudence.

H. B. No. 354, to Committee on Public Lands and Land Office.

H. B. No. 709, to Committee on Highways and Motor Traffic.

H. B. No. 264, to Committee on Insurance.

H. B. No. 733, H. B. No. 181, and H. B. No. 619, to Committee on Judicial Districts.

H. B. No. 745, and H. B. No. 362, to Committee on Oil, Gas and Conservation.

H. B. No. 425, H. B. No. 286, H. B. No. 311, H. B. No. 723, H. B. No. 431, H. B. No. 703, and H. B. No. 238, to Committee on State Affairs.

H. B. No. 498, H. B. No. 717, H. B. No. 724, H. B. No. 714, H. B. No. 557, H. B. No. 541, H. B. No. 483, H. B. No. 461, H. B. No. 430, H. B. No. 820, H. B. No. 808, H. B. No. 803, H. B. No. 802, H. B. No. 801, H. B. No. 794, H. B. No. 792, H. B. No. 789, H. B. No. 788, H. B. No. 781, H. B. No. 780, H. B. No. 779, H. B. No. 778, H. B. No. 772, H. B. No. 749, H. B. No. 747, H. B. No. 153, and H. B. No. 143, to Committee on Game and Fish.

H. B. No. 298, H. B. No. 300, H. B. No. 493, H. B. No. 397, H. B. No. 621, H. B. No. 735, H. B. No. 732, H. B. No. 713, H. B. No. 725, H. B. No. 712, H. B. No. 529, H. B. No. 811, H. B. No. 799, H. B. No. 798, H. B. No. 756, H. B. No. 754, and H. B. No. 736, to Committee on Counties and County Boundaries.

H. B. No. 570, H. B. No. 594, H. B. No. 549, H. B. No. 460, H. B. No. 581, H. B. No. 499, H. B. No. 235, and H. B. No. 21, to Committee on Finance.

H. B. No. 94, H. B. No. 347, H. B. No. 757, H. B. No. 817, H. B. No. 726, H. B. No. 729, H. B. No. 812, H. B. No. 784, H. B. No. 398, H. B. No. 741, H. B. No. 596, H. B. No. 536, H. B. No. 804, H. B. No. 391, H. B. No. 411, H. B. No. 728, and H. B. No. 727, to Committee on Civil Jurisprudence.

H. B. No. 444, to Committee on Agriculture.

H. J. R. No. 23, H. J. R. No. 24, and H. J. R. No. 17, to Committee on Constitutional Amendments.

#### House Bill 800 on Second Reading

The President laid before the Senate, as unfinished business, the motion of Senator Smith to suspend the regular order of business to take up H. B. No. 800 on its second reading and passage to third reading.

The motion prevailed unanimously

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 800, A bill to be entitled "An Act making unlawful the use of force or violence or threats thereof to prevent or attempt to prevent any person from engaging in any lawful vocation and providing penalties for the violation thereof; making it unlawful for any person acting in concert with other persons to assemble and prevent or attempt to prevent by force or violence any person from engaging in a lawful vocation and making it unlawful to encourage and aid such unlawful assemblage and providing penalties for the violation thereof; defining the 'labor dispute'; making the provisions of this Act cumulative of existing laws; and providing a severance or saving clause; and declaring an emergency."

The bill was read second time.

Pending consideration of the bill on its passage to third reading, Senator Winfield occupied the Chair temporarily.

(President in the Chair.)

Senator Shivers offered the following amendment to the bill:

Amend H. B. No. 800, by striking Section 1 therefrom.

On motion of Senator Martin, the amendment was tabled.

Senator Shivers offered the following amendment to the bill:

Amend H. B. No. 800, Section 1, by striking out the last sentence thereof and substituting in lieu thereof the following:

"Any person guilty of violating this Section shall be deemed guilty of a misdemeanor and upon conviction therefor shall be punished by a fine of not less than Ten (\$10.00) Dollars, nor more than Two Hundred (\$200.00) Dollars."

Senator Moore offered the following substitute for the amendment:

Amend H. B. No. 800, Section 1, by striking out the last sentence thereof and substituting in lieu thereof the following:

"Any person guilty of violating this Section shall be deemed guilty of a felony and upon conviction therefor shall be punished by confinement in the county jail for not less than one month nor more than one year, or by confinement in the State penitentiary

for not less than one year nor more than two years."

Senator Fain moved to table the substitute.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—19

Aikin	Mauritz
Brownlee	Moffett
Fain	Ramsey
Formby	Smith
Graves	Spears
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lovelady	York
Martin	

Nays—12

Beck	Metcalf
Chadick	Moore
Cotten	Shivers
Hazlewood	Stone
Hill	Sulak
Lemens	Van Zandt

Senator Kelley moved to table the amendment by Senator Shivers.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—22

Aikin	Mauritz
Brownlee	Metcalf
Fain	Moore
Formby	Ramsey
Graves	Smith
Hill	Spears
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Nays—9

Beck	Moffett
Chadick	Shivers
Cotten	Stone
Hazlewood	Sulak
Lemens	

Senator Chadick offered the following amendment to the bill:

Amend H. B. No. 800 by adding a new Section to be properly numbered, to read as follows:

"The Provisions of this Act shall expire four years from the date this Act becomes effective. Provided, however, that prosecutions begun, pending, or violations of this Act during

the effective period of this Act shall not be prejudicial, nor shall prosecution abate."

Senator Smith moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—18

Aikin	Mauritz
Brownlee	Moore
Fain	Ramsey
Formby	Smith
Graves	Spears
Isbell	Vick
Kelley	Weinert
Lovelady	Winfield
Martin	York

Nays—13

Beck	Metcalf
Chadick	Moffett
Cotten	Shivers
Hazlewood	Stone
Hill	Sulak
Lanning	Van Zandt
Lemens	

Senator Stone offered the following amendment to the bill:

Amend H. B. No. 800 by striking out the following from the first sentence of Section 2 thereof:

"or for any person, acting either by himself, or as a member of any group or organization, or acting in concert with one or more other persons, to promote, encourage, or aid any such unlawful assemblage."

Senator Martin moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—20

Aikin	Mauritz
Brownlee	Moore
Fain	Ramsey
Formby	Smith
Graves	Spears
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Nays—11

Beck	Hazlewood
Chadick	Hill
Cotten	Lemens

Metcalfe  
Moffett  
Shivers

Stone  
Sulak

H. B. No. 800 then was passed to third reading.

#### House Bill 800 on Third Reading

Senator Smith moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 800 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Spears
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Nays—1

Cotten

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Spears
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Nays—4

Chadick	Stone
Cotten	Sulak

#### Report of Standing Committee

Senator Ramsey submitted the following report:

Austin, Texas,  
April 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 725, A bill to be entitled "An Act directing Red River County to issue certain warrants or other evidence of indebtedness and to declare the validity of certain indebtedness arising out of the construction of State Highway No. 37 in the County of Red River; to place such indebtedness on a parity with bonds, warrants, and other evidences of indebtedness heretofore authorized to be paid out of the 'County and Road District Highway Fund'; declaring the intent of the Act with reference to Acts, 1932, Third Called Session, Forty-second Legislature, Chapter 13, Section 7, subdivision (a) as amended by Chapter 136, Acts of the Regular Session of the Forty-third Legislature and by Chapter 117, Acts of the First Called Session of the Forty-third Legislature; declaring that this Act shall prevail over all laws or parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

#### House Bill 152 on Second Reading

On motion of Senator Kelley and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 152 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 152, A bill to be entitled "An Act authorizing eligible cities as defined herein to issue refunding bonds, providing method of paying and securing such bonds, enacting other provisions relating to the subject and other provisions relating to the issuance and payment of such bonds, authorizing proceedings under the Municipal Bankruptcy Act, making this Act cumulative of other laws,



providing that it shall take precedence over other laws, general or special, and all charter provisions in conflict or inconsistent herewith; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 152 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 152 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

#### House Bill 503 on Second Reading

On motion of Senator Beck and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 503 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 503, A bill to be entitled "An Act regulating the use of duck blinds in the waters of Harrison and Marion Counties, Texas; regulating the use thereof; providing license tax for the use of commercial blinds; and declaring an emergency."

The bill was read second time.

Senator Beck offered the following amendment to the bill:

Amend H. B. No. 503, page 1, Section 1, line 6, by changing the word "\$10.00" to "\$5.00."

The amendment was adopted.

The bill was passed to third reading.

#### House Bill 503 on Third Reading

Senator Beck moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 503 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Brownlee
Beck	Chadick

Cotten	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Spears
Isbell	Stone
Kelley	Sulak
Lanning	Van Zandt
Lemens	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York
Metcalf	

**House Bill 504 on Second Reading**

On motion of Senator Beck and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 504 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 504, A bill to be entitled "An Act amending H. B. No. 386, Forty-sixth Legislature, providing a closed season for taking game fish on Caddo Lake and all fresh waters of Harrison and Marion Counties; making certain exceptions; providing a suitable penalty for the violation of any portion of this Act; repealing all conflicting laws; and declaring an emergency."

The bill was read second time.

Senator Beck offered the following amendment to the bill:

Amend H. B. No. 504, page 1, Section 3, line 1, by changing the word "unlawful" to "lawful."

The amendment was adopted.

The bill was passed to third reading.

**House Bill 504 on Third Reading**

Senator Beck moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 504 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Graves
Beck	Hazlewood
Brownlee	Hill
Chadick	Isbell
Cotten	Kelley
Fain	Lanning
Formby	Lemens

Lovelady	Spears
Martin	Stone
Mauritz	Sulak
Metcalf	Van Zandt
Moffett	Vick
Moore	Weinert
Ramsey	Winfield
Shivers	York
Smith	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

**House Bill 412 on Second Reading**

On motion of Senator Lemens and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 412 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 412, A bill to be entitled "An Act amending Section 3, of H. B. No. 1152, Regular Session, Forty-fifth Legislature, so as to permit the sale of minnows in Johnson County."

The bill was read second time and was passed to third reading.

**House Bill 412 on Third Reading**

Senator Lemens moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 412 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Brownlee
Beck	Chadick

Cotten	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Spears
Isbell	Stone
Kelley	Sulak
Lanning	Van Zandt
Lemens	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York
Metcalf	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—31

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

#### Senate Concurrent Resolution 37

Senator Van Zandt, by unanimous consent, offered the following resolution at this time:

Whereas, By concurrent resolution passed heretofore, the Legislature of Texas invited Miss Helen Keller to address a joint session of the Legislature at a time convenient to her; and

Whereas, Miss Keller has indicated a desire to appear before such session at 11:30 a. m., April 8th; therefore, be it

Resolved by the Senate of Texas the House of Representatives concurring, That a joint session be held in the House of Representatives at 11:30 a. m., April 8th, 1941, for the purpose of hearing an address by Miss Helen Keller and that a committee be appointed to escort Miss Keller to the House of Representatives, five to be appointed by the President of the Senate and five to

be named by the Speaker of the House, from their respective Houses.

The resolution was read, and by unanimous consent, was considered immediately and was adopted.

Accordingly, the President appointed the following committee to escort Miss Helen Keller to the Hall of the House: Senators Van Zandt, Lemens, Brownlee, Kelley and Martin.

#### Signing of Bills and Resolution

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolution:

S. B. No. 67, A bill to be entitled "An Act permitting the State Board of Education to purchase and provide free text books for the teaching of the Spanish language in certain elementary grades in certain schools in certain school districts in the State of Texas; providing the manner of selecting, purchasing and distributing such books; and declaring an emergency."

S. B. No. 142, A bill to be entitled "An Act amending Chapter 8, Article 149, of the Revised Civil Statutes, of the State of Texas, by adding a new Section to be numbered 149H, authorizing and empowering the Board of Directors of the Agricultural and Mechanical College of Texas to establish and maintain an agricultural experiment station for the purpose of making scientific investigations and experiments in the study of poultry problems with particular emphasis on the study of problems relating to the scientific production of broilers and fryers in the South-Central Texas region, said station to be located in Gonzales County, authorizing said board of directors to secure a suitable site for the location of said experiment station, authorizing said board of directors to accept donations of land, money, or anything of value for the establishment and maintenance of said station, authorizing the use of any donation or appropriations placing the supervision of said station under the direction of the Board of Directors of the Agricultural and Mechanical College of Texas, providing the manner in which said experimental station shall be operated and conducted; and declaring an emergency."

S. B. No. 242, A bill to be entitled "An Act to amend Article 1813, Re-

vised Civil Statutes of Texas 1925, as amended by Acts 1936, Forty-fourth Legislature, Third Called Session, page 2108, Chapter 509, as amended by Acts 1937, Forty-fifth Legislature, page 297, Chapter 154, so as to add thereto a provision for the appointment of a special commissioner to serve with and assist a court of civil appeals where a member thereof is called or ordered into active military service of the United States; providing for the appointment of such special commissioner by the Governor, under certain defined circumstances; defining the duties, compensation, and term of office of such special commissioner; providing that nothing in this Act shall be considered as giving any two members of any court of civil appeals or the Governor the power or authority to remove or suspend any member of the court of civil appeals from his office, or to in any manner interfere with him in his constitutional rights and powers; providing that if any part of this Act is held unconstitutional, the valid portion of the same is intended to be enacted; and providing for an emergency."

S. B. No. 405, A bill to be entitled "An Act fixing the term of office of school trustees of independent school districts, whether created under general law or by special act of the Legislature, having as many as six hundred and two (602) and not more than six hundred and seven (607) scholastics according to the 1940 official scholastic census and wherein there may be situated a city having a population of as many as seventeen hundred twenty-five (1725) and not more than seventeen hundred thirty (1730) according to the last preceding Federal Census, and having a board of seven trustees; providing that in all such school districts trustees shall be voted upon and elected separately for positions on said board of trustees and prescribing a method whereby trustees in any such school district within ten days from the effective date of this Act shall draw for positions on any such board of trustees in any such school district; etc.; and declaring an emergency."

S. C. R. No. 36, Inviting Hon. Lyndon B. Johnson to address a joint session of the Legislature.

### Message from the Governor

The President laid before the Senate, and had read, the following message from the Governor:

Austin, Texas,  
April 3, 1941.

To the Senate of the Forty-seventh Legislature.

I ask the advice, consent and confirmation of the Senate to the following appointment:

To be State Auditor and Efficiency Expert for the remainder of the term expiring September 13, 1941:

B. D. Battle of Longview, Gregg County.

Respectfully submitted,

W. LEE O'DANIEL,  
Governor of Texas.

### Report of Conference Committee on House Bill 338

Senator York submitted the following report of the Conference Committee on H. B. No. 338:

Austin, Texas,  
March 27, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Conference Committee, appointed to adjust the differences between the two houses on H. B. No. 338, beg leave that the attached bill be passed.

Respectfully submitted,

YORK,  
MOFFETT,  
RAMSEY,  
MAURITZ,

On the part of the Senate,

McDONALD,  
WHITE,  
HARDEMAN,  
SKILES,  
HALSEY,

On the part of the House.

H. B. No. 338, A bill to be entitled "An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to construct or acquire, and equip not more than four dormitories, an office building, and additional power and steam plant equipment; authorizing and requiring said Board to fix fees, rentals, and charges for the use of such buildings and to make parietal rules concerning the same; authorizing the issuance of negotiable revenue bonds payable from and secured by revenues from such buildings and of certain other buildings heretofore or hereafter con-

structed or acquired; authorizing said board to furnish to certain buildings water, steam, power and electricity from the plant owned by the institution, to charge for such services as a part of the maintenance and operation expense of such buildings and to issue negotiable revenue bonds secured by and payable from the net revenues from such charges for the purpose of constructing or acquiring additional equipment for such plant, and additionally to secure such revenue bonds by pledging the net revenues from other specified buildings; authorizing said board to construct, equip and lease an office building for certain purposes and to issue negotiable revenue bonds secured by and payable from the net revenues from such office building and from other specified buildings; authorizing the issuance of negotiable refunding bonds, and of refunding and construction bonds, secured by and payable from revenues as herein provided; providing that bonds authorized in this Act shall not constitute an indebtedness of the State of Texas or of said institution and that the holders of such revenue bonds shall never have the right to demand payment out of funds other than those pledged for their payment; authorizing under named restrictions use of a portion of the local funds to prevent or relieve a default or to create or maintain a reserve for such bonds; requiring approval of such bonds by the Attorney General, and prescribing the effect thereof; requiring registration by the Comptroller of Public Accounts; making this Act cumulative of other laws but giving precedence to the provisions of this Act; enacting other provisions relating to the subject hereof; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. The Board of Directors of the Agricultural and Mechanical College of Texas is authorized to construct or acquire, and equip without cost to the State of Texas except as provided herein, four, or any number less than four, dormitories, an office building (for purposes and subject to limitations contained in Section 5 hereof), and construct or acquire additional equipment for its present central power and steam plant (subject to limitations contained in Section 4 hereof), when the total cost,

type of construction, capacity, and plans and specifications therefor have been approved by such board of directors, provided, however, that the Legislature shall never make an appropriation out of the General Fund of the State, either in the regular Appropriation Bill, or in a supplemental or emergency appropriation bill, for the purpose of equipping or for the purpose of purchasing or installing any utility connections in any of the buildings erected or improved under and by virtue of the provisions of this Act.

Sec. 2. That said board of directors is authorized to fix fees, rentals and charges for the use of such buildings, and to make parietal rules to assure maintenance of a maximum percentage of use and occupancy of such buildings. The charges to be made and the fees to be fixed against students and others using any such buildings shall be in amounts deemed to be reasonable by the board, taking into consideration the cost of providing said building, the use to be made of it, and the advantages to be derived therefrom.

Sec. 3. For the purpose of constructing or acquiring, extending or improving and equipping any one or more of said buildings, said board of directors is authorized to issue, sell, and deliver its negotiable revenue bonds, from time to time and in such amounts or amount as it may consider necessary. Bonds issued under this Act shall mature serially or otherwise not exceeding thirty (30) years from their date, bear interest at a rate or rates not exceeding four (4%) per cent per annum, shall be payable at such place or places, may contain option of payment prior to maturity upon terms stated therein, and such provisions for registration as to ownership, as shall be prescribed by said board in the resolution authorizing the issuance of said bonds. To assure the prompt payment of the principal and interest of said bonds the board is authorized to pledge the net revenues from the operation of said building or buildings, constructed or acquired with the proceeds of said bonds, and may secure said bonds additionally by pledging the surplus or the unpledged net revenues from any one or more of the other buildings mentioned in Section 1, from kitchens and dining halls, dormitories, dormitory for help, or laundry, here-

tofore or hereafter constructed or acquired; provided that the board shall have full authority to pledge the revenues from any number or all of such sources. It shall be the duty of the board to fix fees, rentals and charges so that such revenues will be sufficient to pay the maintenance and operation expenses of the building whose revenues are thus pledged, the principal and interest of said bonds, and to provide reasonable reserves.

Sec. 4. Said board is authorized to furnish water, steam, power, electricity, or any or all of such services from the central plant owned by the institution, to any or all dormitories, kitchens and dining halls, hospitals, student activity buildings, gymnasias, athletic buildings and stadia, the office building constructed pursuant to Section 5 hereof, the dormitory for help, laundry, and such other revenue producing buildings or facilities as may have been or may be constructed for the good of the institution or the moral welfare and social conduct of the students of such institution, and shall determine the amount to be charged as a part of the maintenance and operation expense of such buildings or facilities for such service or services. The board is authorized to pledge the net revenues from the amounts thus received for said services to pay the principal and interest of, and to create and maintain the reserve for the negotiable revenue bonds issued for the purpose of acquiring the additional equipment for said power and steam plant, and may so use said bonds additionally by pledging the surplus of the unpledged net revenues from any one or more of the other buildings mentioned in Section 1, or of kitchens and dining halls, dormitories, dormitory for help, or laundry, heretofore or hereafter constructed or acquired, provided that the board shall have full authority to pledge the revenues from any number or all of such sources.

Sec. 5. The board is authorized to construct, equip and lease an office building to be used by the institution directly or, with consent of said board, by any agency of the United States Government to house activities of the Department of Agriculture of the United States or activities of the United States Government in connection with the National Defense Program, provided that the total cost of

constructing or acquiring and equipping said building shall not exceed Three Hundred Thousand (\$300,000.00) Dollars. The board is authorized to pledge for the payment of negotiable revenue bonds issued for such purpose, the net revenues derived from the operation of such office building, including any rentals or lease consideration to be paid by such agency of the United States Government so long as such lease or rental agreements or renewals thereof shall be effective. In the event, and only in the event, that the lease of the United States Government, or an agency thereof, on the above described office building should be surrendered by the government or its agency, and such building be converted into a dormitory, the board may additionally secure the bonds against such office building by pledging the surplus or the unpledged net revenues from any one or more of the other buildings mentioned in Section 1, or of kitchens and dining halls, dormitories, dormitories for help, or laundry, heretofore or hereafter constructed or acquired, or from any one or all of such sources, to become effective upon the happenings of such event.

Sec. 6. The board is authorized to issue negotiable refunding bonds for the purpose of taking up, at or prior to maturity, all or any part of an issue of revenue bonds issued either under this Act or under other laws, and to include in a refunding issue the revenue bonds of several issues. It is authorized to include in a single issue bonds for the purpose of refunding outstanding bonds and new bonds to obtain additional funds for purposes authorized in this Act. All such refunding bonds, or refunding and construction bonds, shall be secured by a pledge of revenues pledged for the payment of said refunded or underlying bonds, and the net revenues from the buildings or facilities for which such construction bonds are issued, and may be additionally secured by pledging the surplus or the unpledged net revenues from any one or more of the other buildings or facilities mentioned in Section 1, or of kitchens and dining halls, dormitories, dormitory for help, or laundry, heretofore or hereafter constructed or acquired; provided that the board shall have full authority to pledge the

revenues from any number of such sources.

Sec. 7. After the revenues of any building or of any facilities, constructed or acquired pursuant to this Act, shall have been pledged to the payment of revenue bonds, any subsequent pledge of such revenues shall be inferior to such pledge previously made.

Sec. 8. The revenue bonds authorized in this Act shall not constitute indebtedness of the State of Texas or said institution, and the holders thereof shall never have the right to demand payment of principal or interest out of funds other than those pledged to the payment of such bonds. In order to prevent or relieve a default in the payment of principal or interest or in creating or maintaining the reasonable pledged reserve for revenue bonds issued for purposes authorized in this Act, said board may in its discretion use local funds; provided that not more than twenty-five (25%) per cent of the estimated local funds available during any one fiscal year can be used for such purposes; and provided that local funds shall not be used for such purpose in an amount which with reasonable certainty should necessitate supplementing such local funds by additional legislative appropriation.

Section 9. Before any such revenue bonds are delivered to the purchaser, or before any refunding revenue bonds are delivered in exchange for original bonds, the record pertaining thereto shall have been examined by the Attorney General, and said record and bonds shall be approved by the Attorney General. After such approval the bonds shall be registered in the office of the Comptroller of Public Accounts, and no refunding bonds shall be registered until a like principal amount of said original bonds shall have been surrendered and cancelled by the Comptroller. Such bonds having been approved by the Attorney General and registered in the Comptroller's office shall be held in every action, suit or proceeding in which their validity is or may be brought into question, valid and binding obligations. In every action brought to enforce collection of such bonds or any rights incident thereto, the certificate of approval by the Attorney General, or a duly certified copy thereof, shall be admitted and received in evidence of its validity. The only defense

which can be offered against the validity of such bonds shall be forgery or fraud.

Sec. 10. No brokerage fee, or commission, or attorney's fees in excess of Twenty-five Hundred (\$2,500.00) Dollars, shall be paid out of the funds of the A. & M. College of Texas, or out of the funds to be derived from the bonds or other evidences of obligation authorized herein.

Sec. 11. This law shall be cumulative of all other laws applicable to said institution and is not intended to repeal other existing laws on the subject, but to the extent that the provisions of this Act are inconsistent with or are in conflict with the provisions of other laws, the provisions of this Act shall be effective.

Sec. 12. The fact that the Agricultural and Mechanical College of Texas is in urgent need of certain of the buildings and facilities mentioned in this Act and the authority herein conferred, creates an emergency and imperative public necessity that the constitutional rule requiring bills be read in each house on three several days be suspended, and that said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Question — Shall the report be adopted?

#### Adjournment

Senator Lovelady moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 12:50 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

#### FORTY-SEVENTH DAY

(Friday, April 4, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Formby
Beck	Graves
Brownlee	Hazlewood
Chadick	Hill
Cotten	Isbell
Fain	Kelley